

TORGER OAAS
ATTORNEY AT LAW
618 West Main; Suite 201
Post Office Box 76
Lewistown, Montana 59457
(406) 538-2338
oaaslaw@middrivers.com

KRIS A. BIRDWELL
STOGSDILL LAW OFFICE, PC
505 West Main Street; Suite 313
Lewistown, Montana 59457
(406) 538-2623
kbirdwell@stogsdilllawoffice.com

Co-Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ALICE SIELER, Individually, and as
Conservator for her infant son, FRANK
WILLIAM ROHR, III and as Personal
Representative of the Estate of FRANK
WILLIAM ROHR, JR.

Plaintiffs,

v.

RANDALL DWYER, DWYER
TRUCKING COMPANY, COBRA
TRUCKING CO. INC., JOHN DOES I
through X,

Defendants.

Cause No. CV 11-146-BLW-RFC

**COMPLAINT AND
JURY DEMAND**

JURISDICTION

1. All Plaintiffs are citizens of the State of Montana
2. All Defendants are citizens of the State of Wyoming
3. Plaintiffs claims exceed Seventy Five Thousand Dollars (\$75,000.00).

COUNT I - Negligence

1. Alice Sieler-Rohr, Frank William Rohr, III and Frank William Rohr, Jr. were in a motor vehicle accident in Yellowstone County, Montana on August 3, 2011. Alice Sieler-Rohr is the mother of Frank William Rohr, III. Alice Sieler-Rohr was married to Frank William Rohr, Jr. Alice and her son, Frank William Rohr, III were injured in the motor vehicle accident. Frank William Rohr, Jr. was killed in this motor vehicle accident but survived for enough time to bring a survival action under Montana law.

2. Randall Dwyer was operating a semi tractor/trailer at the time of this motor vehicle accident. He crossed the centerline of Montana Highway 87 and collided with the Sieler-Rohr vehicle. Randall Dwyer's business name is Dwyer Trucking.

3. The accident was the fault of Dwyer. He was driving negligently and caused the accident.

4. Dwyer's conduct is subject to the Motor Carrier Safety Act and all rules and regulations applicable thereto.

COUNT II - Negligent Hiring of Independent Contractor/Employee

1. Cobra Trucking Co. is a motor carrier and freight brokerage company located in Wyoming.

2. Cobra Trucking Co. hired Randall Dwyer to haul a load of fracking sand from Wyoming to Montana. Cobra Trucking Company knew or should have known that Randall Dwyer was an unsafe, fatigued and incompetent driver and was negligent in hiring him to transport this load. This negligence was a cause of the accident.

3. Cobra Trucking Company's conduct is subject to the Motor Carrier Safety Act and all rules and regulations applicable thereto.

COUNT III - Liability Under Motor Carrier Safety Act

1. Plaintiffs replead the allegations of Counts I and II herein.

2. Cobra Trucking Company is liable for the negligent conduct of Randall Dwyer/Dwyer Trucking under the Motor Carrier Safety Act and all the rules and regulations applicable thereto.

RELIEF REQUESTED

1. For all compensatory damages allowed under Montana law for Plaintiffs' survival and wrongful death claims.

2. For all compensatory damages allowed under Montana law for the injuries suffered by Alice Sieler-Rohr and Frank William Rohr, III.
3. For such other and further relief allowed by the Court.
4. For Plaintiffs' costs.
5. Plaintiffs demand trial by jury.

RESPECTFULLY Submitted this 14th day of December, 2011.

By: /s/ Torger Oaas
TORGER OAAS
Co-counsel for Plaintiffs

By: /s/ Kris A. Birdwell
KRIS A. BIRDWELL
Co-counsel for Plaintiffs